

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Requests for Waiver by Various)	
Petitioners to Allow the Establishment)	PS Docket No. 06-229
Of 700 MHz Interoperable Public Safety)	
Wireless Broadband Networks)	
)	

REQUEST FOR STAY

1. The 700 MHz public safety broadband waiver recipients (Petitioners),¹ pursuant to Section 1.41 of the Commission’s Rules, 47 C.F.R. §1.41, hereby respectfully request a Stay of the Commission’s Public Safety and Homeland Security Bureau (“Bureau”) requirement to “retain the services of a common entity to provide clearinghouse functions” specified in paragraph 22 of Order DA 12-25² (“PLNM-ID Order”).

2. Petitioners are City of Boston; City and County of San Francisco, City of Oakland, City of San Jose, CA; State of New Jersey; City of New York; City of San Antonio, TX, on behalf of the San Antonio Urban Area Security Initiative Region; City of Chesapeake, VA; State of New Mexico; City of Charlotte, NC; State of New York; District of Columbia; County of Maui, County of

¹ In May 2010, the Commission granted conditional waivers to twenty-one public safety jurisdictions to pursue early deployment of the public safety broadband network in the public safety broadband spectrum. See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, 25 FCC Rcd 5145, 5147 ¶ 7 (2010) (*Waiver Order*). The Bureau granted a twenty-second waiver, in May 2011, to the State of Texas (Texas) and required Texas to adhere to the cumulative conditions imposed on the initial waiver recipients. See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, 26 FCC Rcd 6783 (PSHSB 2011) (*Texas Waiver Order*). For purposes of this filing, the term “Petitioners” includes the State of Texas.

² See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, DA 12-25 (PSHSB rel. Jan. 9, 2012) (*PLMN ID Order*).

Hawai'i, County of Kaua'i, City and County of Honolulu, and the State of Hawai'i; City of Seattle, WA; Adams County, CO Communications Center; City of Pembroke Pines, FL; Los Angeles Regional Interoperable Communications System (LA-RICS); Iowa Statewide Interoperable Communications Systems Board; Calumet, Outagamie and Winnebago Counties, WI; Mississippi Wireless Communications Commission; City of Mesa, AZ and the TOPAZ Regional Wireless Cooperative; State of Oregon; State of Texas.

3. The *PLMN-ID Order* was adopted by the Bureau on January 9, 2012. It directed the Petitioners to “retain the services of a common entity to provide the clearinghouse functions associated with the use of a common PLMN ID and commercial roaming.” The *PLMN-ID Order* did not require Petitioners to obtain commercial roaming services. The *PLMN-ID Order* stated, “The use of a common PLMN ID among Petitioners creates the need for a common clearinghouse available to manage the relationships with commercial roaming partners and to settle the payment issues associated with Petitioners’ use of a common PLMN ID.”

4. On February 22, 2012, the President signed into law the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act), which sets forth a statutory plan for development of a nationwide interoperable public safety broadband network in the 700 MHz band.³ In particular, the Spectrum Act directs the Commission to license the public safety broadband spectrum and the spectrally adjacent “D Block” spectrum to the National First Responder Network Authority (FirstNet).⁴ FirstNet is an independent authority within NTIA tasked with overseeing

³ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012).

⁴ *Id.* § 6201(a).

development of the network.⁵ The Spectrum Act requires the Commission to license the public safety broadband spectrum to FirstNet, but the Secretary of Commerce has 180 days from the date of enactment of the Spectrum Act to appoint the initial members of FirstNet's Board.⁶ This 180 day period expires on August 20, 2012.

5. The Spectrum Act further directs the Commission to "take all actions necessary to facilitate the transition" to FirstNet of the spectrum currently licensed to the PSST.⁷ The details of this transition are unknown, however, it is likely to occur shortly after the Secretary of Commerce appoints the FirstNet Board and the FirstNet Authority becomes active, probably before the end of 2012. The Petitioners presently have leases for use of spectrum from the PSST, but those leases expire at various times in July and August, 2012.⁸ There is no statutory requirement for FirstNet to lease spectrum to the Petitioners.

6. The Spectrum Act assigns responsibility to FirstNet to enter into roaming agreements with commercial network providers.⁹ It may frustrate the intention of Congress, in establishing FirstNet, if the Petitioners attempt to enter into roaming agreements or obtain the services of a clearinghouse entity, whose sole purpose is to "manage the relationships with commercial

⁵ *Id.* § 6202(a).

⁶ *See id.* § 6204(c)(1).

⁷ *Id.* § 6201(c).

⁸ Public Safety and Homeland Security Bureau approves long-term de facto Transfer Spectrum Lease Agreements filed by Conditional Waiver Recipients to Establish 700 MHz Interoperable Public Safety Wireless Broadband Networks, *Order DA 10-678*, September 2, 2010.

⁹ *Id.* § 6206.

roaming partners.”¹⁰ The Petitioners therefore believe the requirement for clearinghouse services no longer serves the Bureau’s intended purposes.

7. Commercial roaming on Long-Term-Evolution networks in the United States does not exist. One telecommunications carrier, Verizon Wireless, has extensively deployed an LTE network in 203 markets in the United States, covering 203 million people.¹¹ Other carriers have LTE network deployments in progress and extensive LTE network deployment plans. However, no carriers presently have roaming onto their LTE networks.

8. Given the immanent license transfer from the PSST to FirstNet, the unknown situation regarding the authority of the Petitioners to continue their present leases and authority to use the spectrum, the lack of present-day availability of commercial roaming, and the clear intention of the Spectrum Act that FirstNet enter into and manage commercial roaming agreements, the Petitioners hereby request the Bureau stay the requirement to “retain the services of a common entity to provide clearinghouse functions” specified in paragraph 22 of the PLMN-ID Order.¹²

9. The Petitioners discussed this Petition for Stay during a conference call on April 17, 2012. I, William M. Schrier, Chief Technology Officer for the City of Seattle and Chair of the Public Safety Spectrum Trust Operator Advisory Committee (PSST-OAC), the formal organization of the Petitioners, hereby declare this Petition for Stay was verbally approved by

¹⁰ PLMN-ID Order ¶ 22.

¹¹ <http://news.verizonwireless.com/LTE/Overview.html>

¹² See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, DA 12-25 (PSHSB rel. Jan. 9, 2012) (*PLMN ID Order*).

representatives of all twenty-one Petitioners on that call, and therefore submit it for consideration by the Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Schrier".

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